

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
MISSOULA DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

TRACY EUGENE CONARD,

Defendant.

CR 20–22–M–DLC

ORDER

United States Magistrate Judge Kathleen L. DeSoto entered Findings and Recommendation Concerning Plea in this matter on September 15, 2020. (Doc. 39.) Neither party objected and therefore they are not entitled to *de novo* review. 28 U.S.C. § 636(b)(1); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). This Court will review the Findings and Recommendation for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000).

Judge DeSoto recommends that this Court accept Mr. Conard’s guilty plea after he appeared before her pursuant to Rule 11 of the Federal Rules of Criminal Procedure, and entered a guilty plea to one count of possession with the intent to distribute controlled substances in violation of 21 U.S.C. § 841(a)(1), as set forth in

Count I of the Indictment. In exchange for Mr. Conard's plea, the United States has agreed to dismiss Count II of the Indictment.

I find no clear error in Judge DeSoto's Findings and Recommendation (Doc. 39), and I adopt it in full, including the recommendation to defer acceptance of the Plea Agreement (Doc. 33) until sentencing when the Court will have reviewed the Plea Agreement and Presentence Investigation Report.

Accordingly, IT IS ORDERED that Judge DeSoto's Findings and Recommendation (Doc. 39) is ADOPTED in full.

IT IS FURTHER ORDERED that Mr. Conard's motion to change plea (Doc. 30) is GRANTED and Mr. Conard is adjudged guilty as charged in Count I of the Indictment.

DATED this 1st day of October, 2020.



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Dana L. Christensen, District Judge  
United States District Court